

REMARKS

Review and reconsideration on the merits are requested.

At the time of rejection, claims 1-9 were pending.

The prior art: JP 2002-053857 Iwami et al (Iwami); JP 2000-072686 Kawada (Kawada);
U.S. 5,747,049 Tominaga (Tominaga); U.S. 5,540,853 Trinh (Trinh).

The rejections: claims 1, 4 and 5 as anticipated by Iwami;

Claim 1 as anticipated by Kawada;

Claims 1-9 as obvious over Iwami in view of Tominaga and Trinh; and

Claims 1-9 as obvious over Trinh and Tominaga in view of Kawada.

The Examiner's position is set forth in the Action in some detail and will not be repeated here except as necessary to an understanding of Applicants' traversal of the above rejections which is now presented.

Traversal

With respect to skin cosmetic claims, they are now limited to the extracts of the present invention in combination with an anti-inflammatory agent (claim 2), a specific group of anti-inflammatory agents (claim 3), a fatty acid soap having from 8 to 20 carbon atoms (claim 6), or such a soap with an amphoteric surface active agent and/or an alkanolamide nonionic surface active agent (claim 7). Claim 8 depends from claim 6 and defines the skin cosmetic as a skin cleaning composition. Claim 9 depends from claim 7 and defines the skin cosmetic as a skin cleansing composition.

With respect to the rejection of claims 1, 4 and 5 as anticipated by Iwami, Applicants cancel claims 4 and 5 and combine claims 2/1, claim 2 not being rejected over Iwami to avoid the anticipation rejection over Iwami.

With respect to the rejection of claim 1 as anticipated by Kawada, Applicants rewrite claims 2/1, claim 2 not be rejected, and avoid the anticipation rejection of claim 1 over Kawada.

With respect to the rejection of claims 1-9 as obvious over Iwami in view of Tominaga and Trinh, and the rejection of claims 1-9 as obvious over Trinh and Tominaga in view of Kawada, Applicants traverse for the reasons set forth below, noting some of these claims are canceled, offering some additional comments on Kawada and Iwami, and focusing on Tominaga and Trinh.

Kawada discloses that a substance selected from seed extracts and seed hull extracts of a plant belonging to the genus *Carya* of the family *Juglandaceae* (hereinafter called pecan) is effective for inhibiting oxidation.

Iwami discloses that pecan is effective for inhibiting color fading.

However, in accordance with the present invention, it has been discovered for the first time that pecan shows effects (a) to (c) and (f)/(g) as now claimed, and these effects are neither described nor suggested in Kawada or Iwami.

Applicants further respectfully submit that neither Tominaga nor Trinh remedies the essential defects in Kawada and Iwami and thus whether the obviousness rejection is over Iwami in view of Tominaga and Trinh or Trinh and Tominaga in view of Kawada, Applicants respectfully submit that the claims herein are not rendered obvious.

Tominaga discloses natural dyes and Trinh discloses a colorant. However, even if pecan (of Iwami) is used as a color fading inhibitor for the natural dyes of Tominaga or the colorant of Trinh, the effects of the present invention (i.e., effects (a) to (c) and (f)/(g) above) are not suggested by the disclosure of Iwami in view of Tominaga and Trinh, since neither Tominaga, Trinh nor Iwami teach or suggest the effects of the present invention.

Although Tominaga and Trinh discloses that an antioxidant can be used, they do not disclose that pecan can be used as an antioxidant. Further, even if the pecan (of Kawada) were to be used as the antioxidant in Tominaga or Trinh, the effects of the present invention (i.e., effects (a) to (c) and (f)/(g) above) are not obvious from the disclosure of Tominaga and Trinh in view of Kawada, since none of these references teach or suggest the effects of the present invention.

Although Tominaga discloses that various plant extracts can be used for various purposes, pecan is not described as an example of the plant extracts in Tominaga. In addition, Tominaga does not teach or suggest that the effects of the present invention are shown by the addition or use of plant extracts.

Since the effects of the present invention are neither taught nor suggested in any of the prior art, Applicants respectfully request withdrawal of the obviousness rejections.

AMENDMENT UNDER 37 C.F.R. §1.111
U.S. Appln. No. 10/724,354

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Respectfully submitted,

A handwritten signature in black ink, appearing to read "Peter D. Olexy", is written over a horizontal line.

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